

REMARKS

Applicant has received and reviewed the Office Action of December 29, 2005. Applicant confirms the election of Group I from the restriction requirement, and the election of the Species illustrated in Figures 18b and 19 from the election of species requirement. Accordingly, claims 24-25, 34-35 and 39-40 have been withdrawn, and claims 41-52 canceled. In addition, Applicant has amended claims 1, 4, 6-8, 11-12, 28, 30, 36 and 53-56. Dependent claims 57-62 have been added. Applicant appreciates the indication that claims 9 and 10 are allowable. Reconsideration of the application as amended is requested.

Applicant appreciates the examiner notation of the reference numeral error on page 20 of the specification. An appropriate amendment is made above.

In regard to the claim objections, Applicant has amended claim 6 to depend from claim 5 instead of claim 4. Claim 30 has been amended to delete the references to "the legs" and "the lip." Likewise, claim 36 has been amended to delete the reference to "the lip."

Claims 1 and 53 have been rejected under 35 USC 102(b) as being anticipated by US Patent Nos. 6,301,810 to Fidler and 5,964,547 to Brinkley. Applicant submits that neither of these patents disclose the wear assembly of claim 1 or the method of claim 53.

Fidler and Brinkley each discloses the attachment of an adapter to a lip of an excavating bucket. The lock system in Fidler includes a C-clamp member 46, wedges 48, 50 and a bolt 52. In use the bolt is received into threaded bore 68 formed in the C-clamp member 46 and tightened to drive wedge 48 downward against wedge 50. Similarly, Brinkley discloses the use of a spool 24, wedge 33 and screw member 38. The screw member is secured within spool 24

10/824,490
324-CIP

and rotated to drive the wedge downward to hold the adapter to the lip.

Neither Fidler nor Brinkley discloses a threaded wedge as recited in claims 1 and 53. Applicant disagrees with the examiner's assertion that the bolt 52 in Fidler and screw 38 in Brinkley are the claimed wedges. These components are not even wedges under the examiner's proposal that a wedge is "anything forcing an opening or division." The components forcing the opening are wedges 48, 50 in Fidler and wedge 33 in Brinkley. The bolt 52 and screw 38 simply drive the wedges forward in a manner typical of screw members. Nonetheless, the claims now further recite that the wedges are tapered toward one end. This is a construction unknown in the screw members of Fidler and Brinkley. Accordingly, applicant submits that these claims should be allowed.

Independent claim 36 has been rejected under 35 USC 102(b) as being anticipated in view of Brinkley. As with claims 1 and 53, claim 36 also recites the inclusion of a wedge that is tapered toward one end. Accordingly, Applicant submits that this claim is allowable for the same reasons as given above.

In addition, claim 36 recites the inclusion of "a cradle fit between the wedge and the front of the opening." The front and rear of the assembly is defined by reciting that the wear member includes a front working end and a rear end configured to mount on the support structure. The examiner contends that the spool 24 in Brinkley is the recited cradle. However, the spool fits between the wedge 33 and the "rear" of the opening. Hence, the patent does not disclose the invention as claimed. The spool 24 also lacks a curved front surface. Rather, spool 24 includes a planar ramping surface 36 to abut a complementary surface on the wedge.

10/824,490
324-CIP

Even if the screw member 38 is considered part of the spool, the screw member is not "curved about a transverse axis" as claimed. Applicant also does not understand how spool 24 would "effect shifting of the vertical orientation of the wedge as the wear member shifts on the support structure as claimed. In view of the multiple differences between the claimed invention and Brinkley, Applicant submits that this claim should also be allowed.

Claim 54 has also been rejected under §102(b) as being anticipated by Brinkley. However, if the spool 24 in Brinkley is the cradle recited in claim 53 as asserted in the outstanding rejection, then which component is the spool recited in claim 54. There is no such other component. Hence, this claim should be allowed for this additional reason.

For the reasons given above, Applicant submits that claims 1-23, 26-33, 36-38 and 53-62 should be allowed. If such claims are allowed, Applicant further requests the re-entry of withdrawn dependent claims 24-25, 34-35 and 39-40 drawn to non-elected species.

Respectfully submitted,

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10/824,490
324-CIP